

23.12.2020

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CRM 9269 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chakdah P.S. Case No.306 of 2020 dated 28.10.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of: Papul Kaguji @ Kagaji @ Kagachi & Ors.

....Petitioners.

Mr. Shibaji Kr. Das

...for the Petitioners.

Mr. B. Panda

Ms. P. Saha

...for the State.

It is submitted on behalf of the petitioner that the couple used to reside separately. Petitioners, in-laws of the victim house wife, did not play a role in her matrimonial life.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioners initially resided with the victim housewife. On the advice of one of the in-laws the couple started staying separately.

We have considered the materials on record. Allegation of torture against the petitioners are general and omnibus in nature. Admittedly, the couple resided separately from the other in-laws including the petitioners, who were not present at the place of occurrence.

In view of the aforesaid factual matrix and the extent of complicity of the petitioners in the alleged crime, we are of the opinion that custodial interrogation may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is thus allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)